

# PENNELL PAID MRS. BURDICK'S DIVORCE BILL.

arm as she ascended the stairs to Chief Cusack's office. Her face was ashen white and she seemed more nervous than during the terrible ordeal of yesterday. While seated in Chief Cusack's office she continually shifted in her chair, listening attentively at times to what Attorney Hartzell said. Again she would walk toward the windows, but when her eyes met the gaze of the great crowd of curious men and women gathered about Police Headquarters she quickly retreated to a far corner of the room. Dark rings under her eyes indicated a sleepless night.

When Justice Murphy opened the proceedings there was almost an equal gathering of men and women in the room.

After the first query as to the fight of the Burdicks in which a chair figured, Mr. Coatsworth continued:

"What was that dispute about?" "About my letters in the box."

"You were away in May and June, 1901?" "Yes."

"Did you go again?" "Only on visits until Dec. 3 last year."

"Did Mr. Burdick go away from home in January, 1902, and live at the Genesee Hotel?" "He was away from home."

"How long was he gone?" "About three weeks."

"Do you recall if this was January or February, 1902?" "No."

"You received a letter from your husband written from Indianapolis in January, 1902?" "I do not remember."

## BURDICK DETERMINED ON DIVORCE.

"I will read you the letter. 'Dear Allie: In my mail I got a note from A. R. P. which you probably know about. I do not care to see him. I have decided. He says great interests are at stake. I am aware that my actions mean my social ruin, but I am going ahead. I have fixed on Feb. 3 as the date to go ahead, and if my attorney is prepared then will go ahead. 'BD.'"

"Did you receive such a letter?"

"Yes."

"Here is your reply: 'Dear Ed—Will nothing move you from your determination? I received your crushing blow. I had hoped you would return to us, and even though you have lost your love for me, we could have our children's love. They need you more and more. Your step will crush them completely, especially Marion, and I cannot believe you will bring this upon them; and, my God, Ed! you cannot bring this upon us. You have been generous. You must be so now. I am nearly crazy, but I will try it again. We want you to come home to us that we may care for you and you for us. ALLIE.'"

"That letter was sufficient to induce him to return to his home," said Mr. Coatsworth. "I had an interview with him afterward," answered Mrs. Burdick.

Q. Where? A. At his office.

Q. What was that interview? A. I asked him to come home and he said he intended to.

Q. And he didn't at that time commence an action for divorce? A. No, sir.

Q. And after that you continued to meet Pennell? A. I do not remember.

Q. Why, it was right after that that you had all those clandestine meetings with Pennell, wasn't it? A. Not right after, no.

PENNELL SOUGHT HER CONSTANTLY.

Q. But soon after? A. Well, he sought me constantly.

Q. On what date was it when you jumped out of the window on Seventh street? A. Dec. 2.

Q. What church did you go to after that? A. The Church of the Ascension.

Q. What did Burdick say to you when you returned home that night? A. I told him I had been to church. He said he knew where I had been and he asked me why I did not let him in when he knocked. I said I would have if I had known it was he. He then told me that I would have to leave the house, and he advised me to communicate with Pennell.

Q. And you saw Pennell? A. I did.

Q. Where? A. That same night. I went down to his office and Mr. Burdick went down on the car with me. I remained away for several days and then went home. I had another talk with Mr. Burdick and he told me that I might remain that night.

Q. He was very kind to you even then? A. He was.

Q. The following day, Dec. 3, the complaint in the divorce suit was served on you? A. Yes, sir.

Q. And you left home then? A. Yes, sir.

Q. Where did you go? A. Niagara Falls.

Q. What baggage did you take with you? A. My satchel and trunk.

Q. And all your clothes? A. Yes, sir.

Q. You thought you were leaving home for good? A. Yes, sir.

PENNELL WENT WITH HER.

Q. Who accompanied you to the Falls? A. Mr. Pennell.

Q. You had a talk with him that night before? A. I suppose so.

Q. Where did you go at the Falls? A. The Prospect House.

Q. Did Pennell go there with you? A. He did not.

Q. When did you next see him? A. The next day.

Q. At the hotel? A. Yes, sir.

Q. He visited you there? A. Yes, sir.

Q. At what time did he leave you? A. He took dinner twice with me while I was there, but I don't remember how long he remained.

Q. Did he stay over night with you at that hotel? A. He did not.

Q. You were there from Wednesday until Monday? A. Yes. I came to Buffalo one day.

Q. What day? A. I don't remember. I came to Buffalo one morning to go to the dentist's.

Q. Did you see Mr. Pennell? A. I don't remember.

Q. Did you see Mr. Burdick? A. No.

Q. Try to see him? A. No, sir.

Q. Did you see your mother? A. Yes, at Adam, Meldrum & Anderson's.

Q. By appointment? A. Yes, sir. I telephoned out to the house and told her I was coming.

Q. She was with you how long that day? A. An hour or an hour and a half.

Q. On that occasion you had a talk with your mother and told her why you went to the falls? A. Why, she knew, of course.

Q. Did you tell her you had been ordered out by Burdick? A. I did not.

Q. Was she present at the house when he ordered you out? A. No.

Q. Did she know you had been ordered out? A. Yes. Mr. Burdick told her. He told her he had caught me in a position which he could not overlook, and that I would have to leave. He said he did not blame me as much as he did Pennell; that Pennell was more to blame than I was.

Q. You left the Falls on Monday? A. Yes.

Q. Did you come to Buffalo? A. Yes.

Q. What time did you arrive here? A. I don't remember.

Q. Did you meet Mr. Pennell when you arrived? A. Yes.

Q. Then where did you go? A. New York.

Q. When did you reach New York? A. The following morning.

Q. Where did you go there? A. To a boarding-house. I did not like it there and went to the Hotel Roland on Fifty-ninth street.

Q. Did Pennell go with you to New York? A. Yes; on the same sleeping-car.

Q. How long was Pennell there? A. Several days.

Q. How long were you in New York before you left? A. Three weeks.

Q. Where did you go then? A. Atlantic City.

Q. What time did you get there? A. On Jan. 1 or 2.

Q. Mr. Pennell was with you in New York most of the time? A. He was in the city. Mrs. Pennell was there, too.

Q. Did you see her? A. Yes.

Q. How often did you see Pennell? A. Every day.

Q. You did not try to see Mrs. Pennell? A. No.

Q. You were friendly? A. Not particularly so.

Q. Did you talk to Mrs. Pennell while you were in New York? A. No.

Q. She knew you were there? A. Yes.

Q. Mr. Pennell told you? A. Yes.

Q. Did Pennell show the witness a letter and asked: "You know this is Mrs. Pennell's writing?" "Yes."

Q. She and you were together. A. Yes.

MRS. PENNELL GAVE WARNING.

"This was the letter," said Mr. Coatsworth, reading:

"Mr. E. L. Burdick, Buffalo, N. Y.:

"Dear Ed—I feel impelled to send you a word of warning. Arthur will make no charges against you and you ought to close the old year with a generous act that will save your children from this terrible scandal. Allie is going to Atlantic City to-morrow and how that trip will end none can tell. Please consider."

Mr. Coatsworth continued: "I have another letter, Mrs. Burdick. It is without date and in Mrs. Pennell's handwriting. I will read it."

"Dear Ed—Our talk to-day was so short I fear I did not say what I wished. You will understand when you say I blame you I have always said your conduct had been splendid. Because of that I want to make one more appeal to you. I met Carol to-day at the market and my heart is sad for the children. Allie wants to come back, and she is a good mother to the children and the time for her to come back is now. No one knows. Your honor and hers will be saved and the children will be spared. If she wants to return and if you refuse to take her back the responsibility for the injury to the children is yours. They are the ones we all love, and I appeal to you to take their mother back. Think of the shame and disgrace that will fall on the children and take her back, and if all is not well I will make no further appeal. Do this for the children, and win me one of the hardest battles we have to fight."

Q. When the summons was served on you in the divorce action what did you do with it? A. I gave it to Mr. Pennell.

Q. Who was your attorney? A. Mr. Bartholomew first, then White,

## MRS. BURDICK'S ATTITUDE AT THE MURDER INQUIRY.



Thayer & Jackson.

## PENNELL ENGAGED HER LAWYER.

Q. You never engaged them? A. No; Mr. Pennell did.

Q. Did you ever hire the detectives? A. No; Pennell did it all.

Q. You left New York for Atlantic City on Jan. 2, 1903? A. Yes.

Q. When did you next come back to Buffalo? A. A week or ten days after.

Q. How long were you in Buffalo at that time? A. From Sunday morning until Monday night.

Q. Where did you stay? A. At the Genesee Hotel.

Q. Did you see Mr. Pennell at that time? A. No.

Q. Mr. Burdick? A. Yes. I phoned and told him I wanted to explain something to him that he would understand better that I was not wholly at fault.

Q. You did not want to defend the divorce suit? A. No.

Q. And that was why you saw him? A. Yes.

Q. You were willing that he should receive the divorce—that the proceedings should go right on? A. I presume so.

Q. You did not use your judgment about the matter? A. No. I left it to Pennell, as he looked after everything.

## PENNELL HAD EVIDENCE AGAINST BURDICK.

Q. Did Mr. Pennell ever state what defense he would present? A. I understood he had strong evidence against my husband.

Q. You wrote your husband from the Hotel Roland, in New York, on Dec. 12, 1903, did you not? A. Yes.

Q. The letter was as follows: "Dear Ed: Arthur says my going back will have no effect as I am making no defense." Why was the change made? A. I do not know.

Q. Why was the change made? A. Mr. Burdick on the quiet said if I did not put in a defense I could have the children. I felt I could see them, but Mr. Burdick said I could not if I put in a defense; I wanted to save my honor as well as to see my children.

Q. At the time you and Pennell agreed to put in no defense you thought Mrs. Pennell would get a divorce? A. Yes.

Q. Later she said she would not? A. Yes. She said she would not at one time, and another she said she would.

Q. Then you decided to defend your case? A. Pennell did. I did not want to defend, but he advised me to, and I acted on his advice.

Q. What did Pennell say he was going to do with you when you got the divorce? A. That he would go West and get a divorce and would then marry me.

Q. Did Pennell ever give you a bond? A. There was no bond. I had a long paper, but did not know what it was.

## DOESN'T REMEMBER \$25,000 BOND.

Q. Isn't it a fact that Pennell gave you a bond to pay you \$25,000? A. I don't remember.

Q. Do you mean to say that he did not promise to support you in the event that your husband secured the divorce? A. No, sir.

Q. And didn't he agree to give you a bond for \$25,000 to support you through life? A. No, sir; not that I know of.

Q. Mr. Coatsworth then showed the witness the copy of a bond for \$50,000 given by Pennell to secure the payment to her of \$25,000. The copy was in Mr. Burdick's handwriting.

Q. That came from your safe in the deposit vault also, didn't it? A. I don't know.

Q. Don't you know that such a bond was in that box? A. I do not.

Q. Isn't it strange that Mr. Burdick could find that bond there and you could not? A. I don't know anything about that. I think I can explain how he may have got into the box. When I went to the bank one day, one of the clerks asked me if my brother still had the right to open my box. I told him I had no brother. He then showed me an order giving my brother the right to enter the box.

Q. She did not know that Pennell made provision for the payment of \$25,000 to her, and denied that he ever paid her that sum. She did not know whether he had assigned any of his life insurance policies to her. She did not know that Pennell had made any provision for her. After her talk with Burdick at the Genesee, and she had gone back to Atlantic City, she thought she wrote another letter to Mr. Burdick, in which she attempted to explain some of the things that she had gone over with him at the Genesee.

Q. She thought she had made a claim for alimony, but she never applied to the courts for any or for counsel fees.

Q. While she was in Atlantic City Pennell never gave her any money, but he paid her expenses. He stayed there for a week. He went with her from New York to Atlantic City. She met Pennell twice in New York, the last time on Monday, Feb. 23. She was at the Victoria, and he at the Hoffman House. On the following day she met him in a parlor at the Fifth Avenue House by appointment. He wanted her to sign some papers. She took the 2:55 train for Atlantic City. Pennell went with her to the train. They talked about the divorce proceedings. He told her she need not worry; that everything was going on all right and that she had a good defense; that she would get the divorce instead of her husband getting it.

## LOVED HER AS MUCH AS EVER.

"Didn't he love you just as much then as ever?" asked the District Attorney.

"Yes, he did," replied the witness.

Q. Did you receive any communication from him prior to your husband's death and after you left for Atlantic City? A. I did not.

Q. You swear that? A. I will.

Q. What were you engaged at Wednesday evening, Feb. 26? A. I think I was in my room in the hotel reading. I think I was tired and went to bed early.

Q. And when did you get up? A. About 8 o'clock.

Q. The usual time? A. Yes, sir.

Q. Did you receive a telegram from your mother that morning? A. Yes, a telegram that Ed was dead.

Q. Did you receive any letters from your mother while you were away? A. Yes; two a week sometimes.

Q. Have you those letters now? A. No; I destroyed them.

Q. You destroyed them? A. Yes. I always destroy my letters. That was my custom. I destroyed all letters but those from the children.

Q. Wasn't that rather strange? A. No; it was my custom to destroy my letters. While I am away I always do that.

Q. There was nothing in them you would not care to have read? A. No, sir.

Q. Nothing about your family affairs? A. No.

## DREADED THE PRYING HOTEL MAIDS.

Q. Then why did you destroy them? A. I did not care to have my private correspondence read by the maids in the hotel.

Q. But you had a trunk? A. Yes, but I did not care about having my letters accumulate.

Q. You wrote letters frequently to your mother? A. Yes, sir.

Q. And then the letters from your mother ceased to come? A. Yes, sir.

Q. And you telegraphed to her? A. Yes, I telegraphed to her asking if she was ill.

Q. And when was that telegram sent? A. On Sunday.

Q. The Sunday before your husband was killed? A. Yes, sir.

Q. Why did you telegraph on Sunday? A. Because I had not heard from her in four or five days.

Q. Did you get a telegram from Pennell that Sunday? A. Yes, sir.

Q. When did you get that? A. It came before I got a reply from my mother to the telegram which I sent to her.

Q. What was this telegram about? A. He wanted me to meet him in New York.

Q. When you got the telegram from your mother announcing Burdick's death what reply did you send? A. I replied that I would be home the following morning.

Q. Did you also telegraph to Pennell? A. Yes. I wired him to meet me at the station.

Q. When you arrived that Friday morning did you see Mrs. Hull? A. Yes, sir.

Q. Did you have a talk with her? A. Yes, sir.

## MOTHER TOLD HER OF THE TRAGEDY.

Q. Did you ask her how it happened? A. Why, yes; I said, "Mamma, what in the world has happened?" and she said, "Ed is dead and he has been murdered right in his own house."

Q. What did she tell you about it? A. She told me how the servants had found the kitchen window open and how Ed could not be found, how the den door was closed and how they were all frightened by the strange appearance of the den when they opened the door, and about telephoning for the doctor.

Q. Where else have you heard all this besides hearing it from your mother? A. Maggie, the girl, told me about it.

Q. Haven't you read it in the newspapers? A. I haven't read the newspapers.

Q. Did your mother tell you that when she looked into the den she saw Ed lying there? A. No; she did not know it was Ed.

Q. Did you hear from Pennell that day? A. I got a brief note from him in which he said he was sorry that he had been at the Falls when my telegram arrived, so that he could not meet me.

Q. Did you reply to that note? A. No, sir.

Q. Have you ever got a communication from him since? A. No, sir.

Q. Did you ever see him again after he left you on the train going to Atlantic City? A. No, sir.

At this point Justice Murphy announced that the inquest would adjourn for an hour. Mrs. Burdick arose from the witness chair and, standing erect, pulled her heavy black veil down over her face and started for the courtroom door. So quick and unexpected was her movement that her attorney, Mr. Hartzell, scarcely had time to act before she was mingling with the men and women who were surging toward the outer hall. She made her way direct to Supp. Bull's office, where she seated herself in a big armchair and calmly awaited the arrival of her attorney, Hartzell.

"I feel a little faint," said she, as one of the men in the room passed a glass of water to her. "I wish this terrible thing was over."

## ALMOST A PANIC AT THE BURDICK HEARING.

The curiosity-seekers were out in large numbers when the recess was nearly ended, and hundreds of men and women again clamored for admission to the courtroom. The police authorities were prepared for such an emergency, and soon ropes were strung and the crowd held in check. There were more women gathered than heretofore, and they did everything possible to gain admission.

Considerable commotion was caused in the court as the session was about to open. A bench reserved by the police for the friends of the heads of the department was occupied by seven heavy men. It sagged in the middle and soon broke with a crash, and precipitated the occupants to the floor. The building itself had been condemned, and many thought that the building was about to collapse.

Women screamed, and a rush was made for the door. But the police soon restored order and prevented a panic.

Several letters written to Mrs. Burdick by Pennell were put in evidence. Each of the letters began with "My Own Darling," "Dear Little Sweetheart," or "My Darling Allie." One of the letters contained these words: "My honey-lipped sweetheart, you whom I love more than anyone else, I would die if you were to tell me you love me no longer."

## WANT TO PUT IT UP TO PENNELL.

It was apparent before many minutes of the afternoon session passed that District Attorney Coatsworth was endeavoring to determine whether Arthur R. Pennell had ever spoken to Mrs. Burdick of ending his own life or hers to put a stop to his "unhappy existence." The line of questioning followed by the County Prosecutor showed plainly that an effort has been planned to fasten the murder on the deceased lawyer and then to pronounce his tragic death a suicide.

District Attorney Coatsworth culled from the letters written every word or phrase that tended in the least to show a melancholy spirit; an existence that was harrowing to his soul, and which prompted the writer of the sad and morose missive to become a self-murderer. An attempt was made by Mr. Coatsworth to learn from Mrs. Burdick whether she and Pennell had planned a double suicide. Hopeless as their efforts to be united as man and wife were, it was a significant fact that they would be resigned to fate by dying together.

The phrase "we had our chance and did not take it" was taken up by Mr. Coatsworth. He made a determined effort to have it interpreted as meaning that an opportunity was afforded by which they would have ended their lives together. Grave consideration was given the letter which imparted the information that "only way to untie the gordian knot was to cut it." This in itself plainly foretold a suicide, as Pennell, by the tenor of his letters, appeared to have a mania for suicide.

Mrs. Burdick swore that she and Pennell had never had any improper relations.

"I swear that Arthur's conduct toward me at all times was that becoming a gentleman. He was a man of high moral character and the accusations made against him are outrageous."

She said she had received no information as to who killed her husband. She swore that she had no knowledge or information as to who killed Mr. Burdick. She never heard any one say that he or she was going to do it.

"That's all," said Mr. Coatsworth.

## TWO-PLATOON BILL FOR FIREMEN PASSED.

Favorable Action by Assembly: Measure Dividing Department: Into Day and Night Forces.

(Special to The Evening World.)

ALBANY, March 24.—The New York City Firemen's Two-Platoon Bill introduced by Assemblyman Weber passed the lower house to-day.

The measure provides for a day and night force in the department and insures the men time which they can spend at home—a guarantee they have long been asking.

The firemen alternate on the day and night service.

## DRANK LAUDANUM IN GLASS OF MILK.